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**TITLE 327 WATER POLLUTION CONTROL BOARD**

**NOTICE OF READOPTION**  
**IC 13-14-9.5 FIRST NOTICE OF COMMENT PERIOD**  
LSA Document #11-193

**READOPTON OF RULES IN TITLE 327 UNDER IC 13-14-9.5**

**PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on the readoption of rules in Title 327 of the Indiana Administrative Code under IC 13-14-9.5.

**RULES TO BE READOPTED:** 327 IAC 3-2; 327 IAC 3-6; 327 IAC 5-3.5; 327 IAC 17-1; 327 IAC 17-2; 327 IAC 17-3; 327 IAC 17-4.

The foregoing rules are identified by name as follows:

- ARTICLE 3. WASTEWATER TREATMENT FACILITIES; ISSUANCE OF PERMITS; CONSTRUCTION AND PERMIT REQUIREMENTS  
327 IAC 3-2 Rule 2. State Permits for Construction  
327 IAC 3-6 Rule 6. Technical Standards for Sanitary Collection Systems  
ARTICLE 5. INDUSTRIAL WASTEWATER PRETREATMENT PROGRAMS AND NPDES  
327 IAC 5-3.5 Rule 3.5. Streamlined Mercury Variance Requirements and Application Process  
ARTICLE 17. WETLAND ACTIVITY PERMITS  
327 IAC 17-1 Rule 1. State Regulated Wetlands  
327 IAC 17-2 Rule 2. General Permit for Minimal Impacts to State Regulated Wetlands  
327 IAC 17-3 Rule 3. Permit for Impacts in Class I State Regulated Wetlands  
327 IAC 17-4 Rule 4. Individual Permit for Wetland Activities in Class II and Class III State Regulated Wetlands

**AUTHORITY:** IC 13-14-9.5.

**SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**

This rulemaking is required under IC 13-14-9.5, which provides for the expiration and readoption of administrative rules. A rule that was adopted under a provision of IC 13 and was in force on December 31, 1995, expires not later than January 1, 2002. All rules adopted after that date under IC 13-14-9, expire on January 1 of the seventh year after the year in which each rule takes effect. The rules listed to be readopted have an expiration date of January 1, 2012. IDEM has chosen to readopt all affected rules at one time rather than readopt each rule separately as its expiration date approaches.

Under IC 13-14-9.5-4, the department or board that has rulemaking authority under Title 13 may readopt all rules subject to expiration under one rule that lists all rules that are readopted by their titles and subtitles only. If no comments are received during this first comment period, IDEM may submit the rule for filing with the Publisher under IC 4-22-2-35 and publish notice in the Indiana Register that the agency has readopted the rule.

**STATUTORY AND REGULATORY REQUIREMENTS**

IC 13-14-9.5-4 requires that the following procedure be followed to readopt rules:

- (1) A notice listing all rules to be readopted by their titles and subtitles shall be submitted to Legislative Services Agency for publication in the Indiana Register.
- (2) If a person submits a written request and a basis for the request during the first comment period that a particular rule be readopted separately from the readoption rule that readopts all rules in one rulemaking, the agency must:
  - (A) readopt that rule separately from the readoption rule; and
  - (B) follow the procedure for adoption of administrative rules under IC 13-14-9 with respect to that rule.
- (3) If no written request is provided within the first comment period, the agency may submit the rule for filing with the Publisher under IC 4-22-2-35 and publish notice in the Indiana Register that the agency has readopted the rule.

**REQUEST FOR PUBLIC COMMENTS**

IDEM requests that any written comments requesting that a rule be readopted separately from this readoption rule include a basis for the request. IDEM also solicits comment on rules exempt from readoption and rules to expire. Mailed comments should be addressed to:

LSA Document #11-193 (2011 Readoption)  
MaryAnn Stevens  
Rules Development Branch  
Office of Legal Counsel  
Indiana Department of Environmental Management  
100 N. Senate Ave.  
MC 65-41  
Indianapolis, IN 46204-2251

Hand delivered comments will be accepted by the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Room N1301, Indianapolis, Indiana. Comments also may be submitted by facsimile to (317) 233-5970. Please confirm the timely receipt of faxed comments by calling the Rules Development Branch at (317) 233-8903. Please note it is not necessary to follow a faxed comment letter with a copy of the letter submitted through the postal system.

**COMMENT PERIOD DEADLINE**

Comments must be postmarked, faxed, or hand delivered by May 20, 2011.

Additional information regarding this rulemaking action may be obtained from MaryAnn Stevens, Rules Section, Office of Legal Counsel, (317) 232-8635 or (800) 451-6027 (in Indiana).

Nancy King, Chief  
Rules Development Branch  
Office of Legal Counsel

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